

EXHIBIT J

**NEW YORK CITY
POLICE DEPARTMENT
EQUAL EMPLOYMENT OPPORTUNITY
POLICY
2010**



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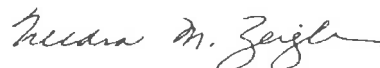
MESSAGE FROM THE DEPUTY COMMISSIONER, E.E.O.

It is the mission of the Office of Equal Employment Opportunity to ensure a bias-free work environment in the New York City Police Department. We are committed to a work place free of employment discrimination, including sexual harassment. We are further committed to ensuring that employees are free from retaliation of any kind, including retaliation for opposing employment discrimination or participating in an EEO investigation.

The office has continued to increase EEO training to all uniformed and civilian members of the service of every rank. In 2008, the office created the Department's first web based training for line supervisors, ensuring that the EEO policy is reinforced throughout the Department to supervisors in every borough and on every tour. We have continued to increase the number of EEO Liaisons throughout the Department. EEO liaisons act as volunteers who assist members of the service with understanding the EEO process as well as filing a complaint of discrimination. The Liaisons have undertaken the responsibility of reporting any act of employment discrimination of which they become aware. In addition, our posters and pamphlets are constantly updated to reflect changes in relevant laws and outside agency contact information.

The office continues to commit its resources to prompt and thorough investigations, EEO training of NYPD employees, and to the enforcement of federal, state, and local employment discrimination laws, Citywide EEO and Department policies, and Department rules and regulations.

As EEO Officer, I urge all NYPD employees to report any acts of employment discrimination to this office. Retaliation for reporting or assisting in EEO matters is strictly prohibited. The Office of Equal Employment Opportunity is committed to a workplace free of bias.



Neldra M. Zeigler
Deputy Commissioner

NEW YORK CITY POLICE DEPARTMENT EQUAL EMPLOYMENT OPPORTUNITY POLICY OBJECTIVES

- *To prevent and correct violations of federal, state, and local employment discrimination laws within the New York City Police Department.*
- *To provide employees and applicants with an effective means of seeking resolution to EEO issues.*
- *To provide extensive EEO training to all members of the Department in order to foster compliance with Citywide and Department EEO policies.*
- *To monitor employment practices of EEO matters and effect changes as necessary.*
- *To disseminate information to line and fraternal organizations regarding EEO issues.*

**NEW YORK CITY POLICE DEPARTMENT
EQUAL EMPLOYMENT OPPORTUNITY POLICY**

TABLE OF CONTENTS

| | PAGE |
|---|---------------|
| I. EEO POLICIES | 6 |
| A. General Anti-Discrimination Protections | 6 |
| B. Prohibited Acts of Employment Discrimination | 6 |
| 1. Retaliation | 7 |
| C. Selected Descriptions of Protected Classes | 7 |
| 1. Gender | 7 |
| a) Sexual Harassment | 7 |
| b) Pregnancy | 8 |
| 2. Sexual Orientation | 8 |
| 3. Disability | 8 |
| 4. Military Status | 8 |
| 5. Status as a Victim/Witness of Domestic Violence, Sex Offense(s) or Stalking | 8 |
| D. Reasonable Accommodation | 8 |
| a) 55a Program | 8 |
| E. Confidentiality | 9 |
| F. For Further Information | 9 |
| II. EEO COMPLAINTS AND INVESTIGATIONS | 10 |
| A. EEO Complaint and Investigation Procedure | 10 |
| 1. When to File a Complaint | 10 |
| 2. How to File a Complaint | 10 |
| 3. Anonymous Complaints | 10 |
| 4. Where to File an Internal Complaint or Seek Assistance with an EEO Matter | 10 |
| 5. Meeting with the EEO Professional | 10 |
| 6. Confidentiality | 11 |
| 7. Other Options Available from the EEO | 11 |
| 8. Withdrawing complaints of Discrimination | 11 |

| | |
|--|----|
| B. Types of Investigations | 11 |
| 1. OEEI Investigation | 11 |
| 2. Mediation | 12 |
| 3. Outside Agency Case | 12 |
| C. At the Conclusion of an Investigation by the OEEI | 12 |
| III. REASONABLE ACCOMMODATION PROCEDURE | 13 |
| A. Introduction | 13 |
| B. Effective Communication and Other Assistance | 13 |
| C. Confidentiality | 13 |
| D. Reasonable Accommodation Request | 13 |
| E. Examples of Reasonable Accommodations | 14 |
| F. Implementation of the Reasonable Accommodation | 14 |
| G. Appeals | 15 |
| H. For Further Guidance | 15 |
| IV. EEO LIAISON PROGRAM | 16 |
| V. APPENDIX | 18 |
| A. Forms | 19 |
| B. Policy Statements | 27 |
| C. Outside Agency Contact Information | 32 |
| D. Glossary of Key Terms | 33 |
| E. EEO Liaison Listing | 35 |

SECTION I

EEO POLICIES

A. GENERAL ANTI-DISCRIMINATION PROTECTIONS

The New York City Police Department is committed to providing a bias-free workplace where equal opportunity is mandated for all its employees. Every employee of the Department has the right to work in an environment free of discriminatory practices. The New York City Police Department strictly prohibits all discrimination in its workplace. In addition to taking aggressive action against employment discrimination, the New York City Police Department provides equal employment and promotional opportunities for all qualified people.

Managers, supervisors, and EEO Liaisons have special responsibilities under this policy and must report all discrimination complaints. Patrol Guide Procedure 205-36, clarifies and reinforces a supervisor's duties and responsibilities to report all EEO complaints, including complaints of retaliation for having filed or assisted in the investigation of an EEO complaint, to OEEO, and more clearly defines the obligation of members of the service to maintain a bias-free work environment. This Patrol Guide provision emphasizes supervisory responsibility to notify the OEEO when a supervisor is made aware of a complaint of discrimination. The Patrol Guide also requires EEO Liaisons to report all allegations or complaints of discrimination. Patrol Guide Procedure 205-37 requires that a supervisor and/or liaison who becomes aware of the display of offensive material must immediately report this to OEEO.

Employees are encouraged to contact the New York City Police Department's Office of Equal Employment Opportunity to report a complaint or discuss any concerns related to employment discrimination matters. To further ensure a bias-free workplace and to strive for professionalism at all times, non-supervisory employees are urged to report any discriminatory acts at the earliest possible time.

Every complaint brought to the attention of the office is handled in a confidential manner.

B. PROHIBITED ACTS OF EMPLOYMENT DISCRIMINATION

It is the policy of Citywide EEO and New York City Police Department to ensure equal employment opportunity without discrimination or harassment based on the actual or perceived status of a person's, race, religion, creed, color, national origin, gender, pregnancy, disability, age, marital status, sexual orientation, genetic predisposition, alienage or citizenship, victim/witness of domestic violence, victim/witness of stalking, victim/witness of sex offense(s) or military status.

Federal, state and city laws prohibit the following types of discrimination based on your actual or perceived membership in a protected group:

- a) Discriminatory treatment in hiring, assignments, working conditions, salary and benefits, evaluations, promotions, training, transfers, discipline, and termination.
- b) Any policy or directive that has a disproportionate impact on a group specifically protected by law, unless the policy is justified by a business necessity.
- c) Failure to provide a reasonable accommodation for an employee's religious observance, unless such accommodation would result in undue hardship to the Department.
- d) Repeated or severe verbal or physical conduct that denigrates or shows hostility or aversion toward an individual (harassment).

Harassment based on protected classes includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display of written or graphic material in the workplace that denigrates or shows hostility or aversion toward an individual or group.

1. **Retaliation:** It is unlawful to retaliate against or harass any person for filing an EEO complaint, for seeking a reasonable accommodation, for cooperating with the investigation of an EEO complaint, or for objecting to a discriminatory practice. The Department will not tolerate any such retaliation. Any employee who engages in such retaliation or harassment shall be subject to discipline, which may include reprimand, suspension, probation, demotion, transfer, termination, or fine.

C. SELECTED DESCRIPTIONS OF PROTECTED CLASSES

1. **Gender** - Discriminatory acts on the basis of an employee's gender are prohibited.

- a) **Sexual Harassment** - is a form of employment discrimination based on gender, which is prohibited. Sexual harassment occurs when:
 - i- Submission to the conduct is made explicitly or implicitly as a term or condition of employment or is used as the basis for employment decisions affecting the employee.
 - ii- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

A broad range of behaviors can be considered sexual harassment. Sexual harassment may include subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; comments about an individual's body; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects, pictures, or videos (including the use of electronic communications and/or the internet); and other physical, verbal or visual conduct of a sexual nature.

b) **Pregnancy** – discrimination is unequal treatment relating to an employment benefit such as hiring, leave, promotion, or seniority due to pregnancy related condition(s). Pregnant employees are entitled to the same treatment as other employees with similar temporary disabilities or limitations.

2. **Sexual Orientation** - The New York City Police Department strictly prohibits discrimination against any employee based upon their actual or perceived sexual orientation. This discrimination may take the form of harassment, unfair treatment in relation to an employment benefit, or the imposition of a policy that has a disparate impact on the employee.

3. **Disability** - Discrimination against a person based upon that person's: actual or perceived disability; record of disability; or association with someone with a disability is prohibited, and will not be tolerated by the New York City Police Department. Disabilities are physical, mental, or psychological impairments of a body system that may limit one or more life activities of a person.

4. **Military Status** - The term "military status" means a person's participation in the military service of the United States or the military service of the state, and such additional forces as may be created by the federal or state government as authorized by law.

5. **Status as a Victim/Witness of Domestic Violence, Sex Offense(s) or Stalking**: It shall be an unlawful discriminatory practice for an employer, or an agent thereof, to discriminate against an individual in compensation or other terms, conditions, or privileges of employment because of the actual or perceived status of said individual as a victim/witness of domestic violence, or as a victim/witness of sex offense(s) or a victim/witness of stalking.

D. REASONABLE ACCOMMODATION

The New York City Police Department will make reasonable accommodations to assist qualified employees and applicants with disabilities, religious requirements and/or victims of domestic violence, sex offense(s) and/or stalking, to perform essential job functions, unless providing such accommodations would create undue hardship for the Department. Whether an accommodation is reasonable generally depends upon the circumstances of each situation. Some examples of accommodations include job restructuring, making facilities physically accessible and/or modifying work schedules. Employees and applicants requesting reasonable accommodations should follow the Citywide Equal Employment Opportunity's and New York City Police Department's Reasonable Accommodation Procedure. Failure of an employer to provide a reasonable accommodation can be a form of employment discrimination.

a) **55a Program**: Section 551 of the New York State Civil Service Law permits the City to convert as many as 700 competitive civil service positions to non-competitive civil service positions for people who can perform the job in question as needed by the Department, and who are certified as having a disability, but are unable to take the civil service test. The City of New York encourages conversion of lines to 55-a status where Department needs permit.

E. CONFIDENTIALITY

All Equal Employment Opportunity complaints will be handled under the direction of the Deputy Commissioner, Equal Employment Opportunity, who reports directly to the Police Commissioner. The Office of Equal Employment Opportunity, supervisory personnel and EEO Liaisons will treat each complaint confidentially. This means that information obtained from the complainant will not be discussed with other personnel except as necessary to investigate and resolve the complaint, or as required by law. The complainant should make every effort to maintain the confidential nature of the process. Witnesses and respondents of an investigation shall not discuss the nature of the complaint being investigated by OEEO or any aspect of an open or closed OEEO case with anyone except their representative of a line organization and/or legal counsel.

F. FOR FURTHER INFORMATION

Contact:

Deputy Commissioner, Equal Employment Opportunity
New York City Police Department's EEO Officer
1 Police Plaza, Room 1204
New York, NY 10038
(646) 610-5330
(646) 610-7229 (FAX)

SECTION II

EEO COMPLAINTS AND INVESTIGATIONS

A. EEO COMPLAINT AND INVESTIGATION PROCEDURE

1. **When To File a Complaint:** An employee or applicant for employment should consult with the Department's Office of Equal Employment Opportunity or an EEO Liaison if he/she believes that he/she is being discriminated against by another employee, or an independent contractor of the agency. OEE0 will assist the person to determine whether the issue raised is appropriate for resolution through the OEE0 complaint process.

The Department will not tolerate any retaliation against any employee for consulting and/or cooperating with OEE0, an EEO Liaison or any outside agency.

2. **How to File an EEO Complaint:** An employee or applicant for employment may file a discrimination complaint by contacting the OEE0 or any of the outside governmental agencies listed on page 32. In addition employees may file a complaint by contacting their EEO Liaison or their supervisor/manager.

3. **Anonymous Complaints:** Persons who wish to discuss a problem concerning discrimination without revealing their identity may do so by telephoning or writing OEE0. Where necessary, communication may also be made through FAX, relay service for the deaf or other alternate means. In such cases, OEE0 will provide counseling and take such follow-up action as may be appropriate. If an anonymous complainant wishes to withdraw his/her complaint, it still may be necessary for OEE0 to investigate the alleged discriminatory behavior and to take or recommend action to remedy unlawful behavior on behalf of the Department.

4. **Where to File an Internal Complaint or Seek Assistance With an EEO Matter:**

**Office of Equal Employment Opportunity
1 Police Plaza, Room 1204
New York, NY 10038
(646) 610-5330
(646) 610-7229 (FAX)**

5. **Meeting with the EEO Professional:**

Any person who wishes to ask a question or discuss a problem related to the Department's Equal Employment Opportunity Policy, or to file a complaint of discrimination, may contact OEE0 or an EEO Liaison. An employee has a right to meet privately with an EEO professional during normal business hours. However, the employee should obtain approval before leaving his/her work assignment. An employee need not disclose to a supervisor the details of the purpose for meeting

with an EEO professional. Supervisors cannot deny reasonable leave requests to meet with an EEO professional during normal business hours. Managers and supervisors shall allow employees to meet with EEO professionals at the earliest practicable time consistent with the operational needs of their units.

The EEO professional will arrange to meet with an employee at an outside location when necessary. At the employee's request, arrangements may also be made to hold the meeting before or after normal business hours, or during the employee's meal period. An employee or applicant filing a complaint may bring a representative of his or her choice to the meeting. In addition, a person needing a sign language interpreter for a meeting concerning an EEO matter may request that the OEEEO provide one.

6. **Confidentiality**: All EEO matters will be handled under the supervision of the EEO Officer (the Deputy Commissioner, EEO). Where necessary and appropriate, the Deputy Commissioner, EEO may consult with the Deputy Commissioner, Legal Matters. Complaints and other information provided by employees will be treated confidentially. This means that information obtained from a person who seeks the assistance of OEEEO will not be discussed except as necessary to investigate and resolve a complaint.

7. **Other Options Available from OEEEO**: An EEO investigator will discuss with the person seeking assistance various options for handling the matter involved. These options include, but are not limited to: an investigation conducted by OEEEO, mediation between the parties by utilizing an outside, independent, and neutral mediator, and filing a complaint with an outside agency

8. **Withdrawing complaints of discrimination**: A person who files a complaint may withdraw it at any time. Prior to making the determination to end an investigation, the Deputy Commissioner, EEO, assesses whether the complaint requires the Department to further investigate and take corrective action to prevent or eliminate the behavior complained of.

B. TYPES OF INVESTIGATIONS

A person may file a written complaint of discrimination with the Department's Office of Equal Employment Opportunity at any time within one year of the date of the occurrence of the events. After a complaint is made, it will be handled confidentially in one of the following ways:

1. **OEEEO INVESTIGATION (OEEEO CASE)**: The Office of Equal Employment Opportunity will conduct an investigation and make recommendations to the Police Commissioner. OEEEO anticipates completion of the investigation within ninety (90) days from the date that the discrimination complaint was filed. In appropriate cases, the investigation may be conducted in conjunction with the Internal Affairs Bureau and/or the Deputy Commissioner, Legal Matters. Upon review of the investigative report and recommendations by the Deputy Commissioner, Equal Employment Opportunity, the Police Commissioner will make the final determination. The complainant(s) and respondent(s) will be notified, in writing, of the outcome of the investigation, and any corrective/disciplinary action taken. In the event that a case results in charges and specifications, complainants and/or witnesses may be asked to testify at a disciplinary trial. If after a review of witness statements, documentary evidence, and/or physical evidence, no basis is found to

support an allegation of discrimination, the complaint is deemed to not require a full investigation and is closed after conferral with the complainant.

2. **MEDIATION**: The Office of Equal Employment Opportunity has developed a voluntary program for the early redress of internal employment discrimination complaints utilizing outside mediators. The goal of the Early Redress Mediation Program is to resolve discrimination and retaliation complaints expeditiously without the necessity of formal investigations. Certain EEO complaints can be handled efficiently and professionally without the need for formal interrogations and hearings. Mediation provides an efficient mechanism for resolving disputes quickly, minimizing tension between the parties, and providing the potential for finding an effective solution to their dispute. Since the parties reach the agreement themselves, with the assistance of the mediator, they are more inclined to be satisfied with the resolution and not carry additional hostilities back to the workplace environment, therefore resulting in a better workplace environment and increased productivity. To learn more about the Early Redress Mediation Program, you may call OEEO and request a brochure that explains the mediation process.

3. **OUTSIDE AGENCY CASE**: An outside agency case is one where the complainant decides to go outside of the Department to file a discrimination complaint. The agencies where a complainant may file a complaint in addition to the Department are the New York City Commission on Human Rights, the New York State Division of Human Rights, or the U.S. Equal Employment Opportunity Commission. See Appendix for agency contact information.

C. CONCLUSION OF INVESTIGATION

At the conclusion of an investigation by the OEEO, the Deputy Commissioner, EEO, will submit a confidential written report with the findings of the investigation to the Police Commissioner. If the Deputy Commissioner, EEO, finds that any allegation of discrimination is substantiated, the Deputy Commissioner will recommend appropriate corrective action.

The Police Commissioner will review the report issued by the Deputy Commissioner, EEO, and take any corrective action that is appropriate. Corrective action may include transfer and/or disciplinary measures such as formal reprimand, suspension, probation, demotion, fine or termination. Disciplinary measures shall be taken in accordance with any applicable provisions of law, rules and regulations, and collective bargaining agreements.

SECTION III

REASONABLE ACCOMMODATION PROCEDURE

A. Introduction

The New York City Police Department will grant a reasonable accommodation to qualified applicants and employees with disabilities, religious requirements, and/or victims/witnesses of domestic violence, stalking or sex offense(s), to enable them to perform the essential functions of their jobs or to enjoy equal benefits and privileges of employment, unless providing such accommodation would impose an undue hardship on the Department.

The reasonable accommodation process is designed to be flexible and interactive, involving both the Department and the applicant/employee requesting the reasonable accommodation. Generally, the process is most effective when performed between the applicant/employee, his/her supervisor and the OEEO.

B. Effective Communication and Other Assistance

The Deputy Commissioner, EEO, is responsible for ensuring effective communication between applicants/employees and NYPD staff at every stage of the reasonable accommodation process. Effective communication may require arranging for sign language interpreters, assistive listening equipment, alternative formats for people with visual impairments, or other needs.

The Deputy Commissioner, EEO, shall also be responsible for providing other assistance as is requested by applicants, employees and supervisors throughout the reasonable accommodation and appeals processes.

C. Confidentiality

Department personnel must respect employee confidentiality. All documentation and information filed in support of an employee's request for an accommodation must be kept confidential. The information shall be treated as confidential except when supervisors, first aid, or safety personnel need to be informed about work restrictions or a reasonable accommodation.

D. Reasonable Accommodation Request

When a reasonable accommodation request is made, the employee/applicant should complete a "Request for Reasonable Accommodation" form (see Appendix for RA form). Completed forms should be submitted to the employee's immediate supervisor.

An applicant applying for a position in the Department should submit a request to a supervisory staff member of the New York City Police Department Applicant Processing Division or Employee Management Division responsible for supervising the employment application process. Supervisors should provide assistance in completing the form when requested. After conferral with OEEO, the supervisor receiving the request should review, sign, and date the form. One copy is to be returned to the applicant or employee and a second copy is to be immediately forwarded to the Deputy Commissioner, Equal Employment Opportunity. Supervisors are responsible for keeping the contents of the reasonable accommodation request(s) confidential.

The Office of Equal Employment Opportunity is responsible for monitoring and assisting supervisors in processing reasonable accommodation requests. Generally, it is the responsibility of the individual with a disability, religious requirement, or other need, to inform the Department of their need for an accommodation. The Department must make every effort to honor requests for reasonable accommodation that are known to it, or that should have been known to it.

OEEO may ask an applicant/employee to provide documentation in support of the reasonable accommodation request.

Using a collaborative and flexible approach, OEEO and the employee or prospective employee (where a conditional offer of employment has been extended) should consider how any job-related limitations can be overcome, discuss possible reasonable accommodations, and assess the effectiveness of each. OEEO must consider an applicant's/employee's preferences along with what is reasonable under the circumstances of the work environment. However, the Department has the discretion to choose among various appropriate reasonable accommodations that would enable the individual to perform the essential functions of the job. The Department is not required to provide an accommodation that imposes undue hardship.

When an applicant requests a reasonable accommodation, the Department must make the application process accessible, unless doing so would create an undue hardship.

E. Examples of Reasonable Accommodations

The reasonableness of an accommodation will depend upon the circumstances of each case and may include modifying work schedules, making facilities physically accessible, job restructuring, or providing or modifying equipment.

F. Implementation of the Reasonable Accommodation

When an employee or applicant submits a request for reasonable accommodation, the supervisor must confer with OEEO upon receipt of the request. The supervisor must report to OEEO his/her recommendation for the approval or disapproval of the accommodation and their reasons for said recommended action.

The OEEEO will review the request and may require additional information or documentation from the employee/applicant before granting or denying a request. If the request is deemed appropriate by OEEEO, the OEEEO will inform the employee/applicant and direct the supervisor to implement the accommodation as expeditiously as possible. Furthermore, the commanding officer concerned will be notified by OEEEO, in writing, of all accommodation decisions.

G. Appeals

An applicant/employee may appeal to the Office of the Police Commissioner any action or failure to act pursuant to this process, by which the applicant/employee feels aggrieved. The Office of the Police Commissioner shall issue a written determination on the request.

H. For Further Guidance:

Employees, applicants, or supervisors may seek guidance regarding the reasonable accommodation process by consulting with:

New York City Police Department
Office of Equal Employment Opportunity
(646) 610-5330
(646) 610-7229 (Fax)
or
by calling the
Mayor's Office for People with Disabilities
(212) 788-2830 (Voice)
(212) 788-2858 (TTY)

The reasonable accommodation process is intended to ensure equal employment opportunities for employees with disabilities, religious requirements, and/or victims/witnesses of domestic violence, stalking, and sex offenses, but shall not impede the right of any employee to file a complaint with any federal, state or local agency having jurisdiction over such matters, or in any court of competent jurisdiction.

Information adapted from *The City of New York Equal Employment Opportunity Policy: Standards and Procedures to be Utilized by City Agencies.*

SECTION IV

EEO LIAISON PROGRAM

WHAT IS THE EEO LIAISON PROGRAM?

The New York City Police Department Equal Employment Opportunity Liaison Program is a voluntary program open to all members of the service, uniformed and civilian. The program has been in existence since 1986 and was restructured to include a diverse group of representatives from each command. Liaisons are members of the service who are trained to provide assistance to complainants, witnesses, and others regarding any equal employment opportunity matter. The goal of the program is to assist OEEO in its continuing mission to promote a bias-free workplace and eliminate employment discrimination within the Department. Liaisons act as the eyes and ears of the OEEO.

Members of the Service are encouraged to apply to become liaisons. The application process requires the submission of an application with his/her commanding officer's endorsement. Application forms are available at the EEO office and on the NYPD Intranet. Upon a satisfactory review of the application the Deputy Commissioner, EEO, will designate the member a liaison. Each year the OEEO honors liaisons who are selected for outstanding service.

WHAT ARE THE RESPONSIBILITIES OF AN EEO LIAISON?

- **Be familiar with** the provisions of Patrol Guide Procedures 205-36, 205-37, and the OEEO Policy Book.
- **Attend training sessions quarterly and annually:** EEO Liaisons are required to attend training sessions which are conducted in their respective boroughs and at Police Headquarters.
- **Facilitate EEO complaint process:** Assist complainants in understanding the complaint process, and provide support as needed by the complainant. Assist complainants by calling OEEO and advising complainants to call OEEO. In addition, provide complainants with the necessary forms and paperwork, along with any other needed information, such as telephone numbers to various outside EEO agencies.
- **Contact OEEO when made aware of discrimination:** An EEO liaison, regardless of rank or title, must contact OEEO when he/she becomes aware of employment discrimination and/or related retaliation (See P.G. 205-36). Further, liaisons must ensure that all MOS comply with the provisions of P.G. 205-37 entitled, "*Sexual, Ethnic, Racial, Religious, or other Discriminatory Slurs Through Display of Offensive Material.*"

- **Post EEO materials in conspicuous areas in command and maintain their integrity:** OEEEO provides posters on employment discrimination to all liaisons for posting in conspicuous areas in each command. These posters shall be maintained graffiti-free and updated as needed. Also, liaisons shall display their names on appropriate posters in their commands.
- **Maintain a supply of EEO materials:** Each liaison is required to make sure that his/her command has an adequate supply of EEO complaint forms, Reasonable Accommodation forms, EEO pamphlets, and the EEO Policy book. OEEEO complaint forms are available through the OEEEO and the NYPD Intranet. Additional forms, policy guides, pamphlets, and posters are available at the OEEEO.
- **Follow the confidentiality requirements of OEEEO matters:** All EEO complaints, requests for Reasonable Accommodations, and any investigations are strictly confidential. Therefore, liaisons are required to keep all OEEEO matters confidential. Failure to maintain confidentiality will subject a liaison to removal from the program.
- **Report allegations of misconduct made against them:** Liaisons must immediately report any alleged misconduct charged against them to the OEEEO. Misconduct includes but is not limited to arrest, suspension, command discipline and/or issuance of charges and specifications. Failure to notify the OEEEO of allegations of misconduct may result in the liaison's expulsion from the EEO Liaison Program. Additionally, below standard evaluations must also be reported to the OEEEO.
- **Notify OEEEO upon transfer or departure from the Department:** Each liaison is required to complete a change of status form if he/she is transferred from his/her command or leaves the Department. Changes of status forms are available at OEEEO and on the NYPD Intranet. The liaison is released from his/her liaison responsibilities upon transfer to another command. A transferred liaison may reapply to the liaison program at their new command by following the normal application process.

In addition, liaisons are encouraged to meet with their commanding officer annually to discuss command adherence to P.G. 205-36, P.G. 205-37, display of EEO posters, and OEEEO inspections.

SECTION V

APPENDIX

A. FORMS

*REQUEST FOR REASONABLE ACCOMMODATION FOR NEW YORK CITY
POLICE DEPARTMENT EMPLOYEES - Page 19*

*REQUEST FOR REASONABLE ACCOMMODATION FOR NEW YORK CITY
POLICE DEPARTMENT JOB APPLICANTS - Page 21*

COMPLAINT EVALUATION AND OPTION REPORT - Page 23

NOTICE OF COMPLAINANT'S RIGHTS - Page 24

*REQUEST FOR WITHDRAWAL OF DISCRIMINATION COMPLAINT -
Page 25*

NOTICE OF DISCRIMINATION COMPLAINT - Page 26

B. POLICY STATEMENTS

EQUAL EMPLOYMENT POLICY STATEMENT - Page 27

SEXUAL HARASSMENT POLICY STATEMENT - Page 28

*INVITATION MEMORANDUM FOR QUALIFIED INDIVIDUALS WITH
DISABILITIES - Page 29*

*EEO DUTIES AND RESPONSIBILITIES FOR COMMANDING OFFICERS
AND SUPERVISORS - Page 30*

C. OUTSIDE AGENCY CONTACT INFORMATION - Page 32

D. GLOSSARY OF KEY TERMS - Page 33

E. EEO LIAISON LISTING - Page 35

**REASONABLE ACCOMMODATION REQUEST
FOR EMPLOYEES ONLY
PD 407-015 (03-07)**

FOR OEEU USE ONLY

RA# _____

CONFIDENTIAL

The New York City Police Department will make reasonable accommodations to qualified employees with disabilities and/or religious requirement, unless providing such accommodations would impose undue hardship.

Section I – Employees to answer completely.

Rank/Title/Name: _____

Command (No Abbreviations): _____ Tax. No. _____

Home Telephone No. _____ Address _____

Date of Birth: _____ Appointment Date: _____

Type of accommodation requested: ☐ Disability ☐ Religious ☐ Other _____

Please describe the accommodation requested (attach additional information and/or supporting documentation, as appropriate):

Employee's Signature: _____ Date: _____

Upon completion of Section I, submit this form to your IMMEDIATE SUPERVISOR

Section II – To be completed by immediate supervisor of employee requesting accommodation
AFTER CONSULTATION WITH THE OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY.

Rank/Title/Name: _____

Command: _____ Tax. No. _____

Telephone No. _____ Date Request Received _____

Indicate your recommendation below:

☐ **Recommend Approval**

☐ **Recommend Disapproval**

Comments/Reason:

Supervisor's Signature: _____ Date: _____

After completing this section, supervisors must:

- Provide a copy of this form to the employee;
- Immediately forward a copy to:

**OFFICE OF THE DEPUTY COMMISSIONER,
EQUAL EMPLOYMENT OPPORTUNITY
ONE POLICE PLAZA, ROOM 1204
NEW YORK, NY 10038
(646) 610-5330**

- Ensure that confidentiality is maintained and take necessary action as required by the Reasonable Accommodation Policy and Procedure.



**REQUEST FOR REASONABLE ACCOMMODATION
FOR NEW YORK CITY POLICE DEPARTMENT
JOB APPLICANTS**
PD 407-015 (8-02)-Penl-RMU

CONFIDENTIAL

The New York City Police Department will make reasonable accommodation to qualified job applicants with disabilities and/or religious requirements, for them to enjoy the equal benefits and privileges of employment, unless providing such accommodation would impose an undue hardship. This form shall be made available to and used by all applicants requesting reasonable accommodation, in conjunction with Department's Reasonable Accommodation Policy and Procedure.

Section I - This section to be completed by job applicant. Upon completion of this section, submit this form to a **supervisory staff member of the NYC Police Department Applicant Processing Division, Medical Division or Employee Management Division** responsible for supervising the employment application process.

Name: _____

Address: _____

Phone Number: _____ Position/Title Applied For: _____

Department Or Unit (If Known): _____

Location Of Position (If Known): _____

Job Vacancy Notice Number (If Known): _____

Accommodation Is Requested For:

☐ Application ☐ Examination ☐ Interview ☐ Other (Specify) _____

NYC Police Department Contact Person (If Known) _____

Date Of Examination/Interview: _____ Exam # _____ List # _____

Please Check The Appropriate Box That Best Describes The Reason Accommodation is Requested: ☐ Disability ☐ Religious ☐ Other (Specify) _____

Please Identify the Condition, Religious Practice Or Observance, And The Accommodation Requested Below (Attach Additional Information And/Or Supporting Documentation, As Appropriate): _____

Applicant's Signature: _____ Date: _____

Section II - Must be completed by the NYC Police Department supervisor responsible for supervising the employment application process AFTER CONFERRAL WITH THE OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY.

Rank/Title and Supervisor's Name: _____

Command: _____ Tax Number: _____

Phone Number: _____ Date Request Received: _____

Telephone The Office Of Equal Employment Opportunity At (646) 610-5330 To Obtain Reasonable Accommodation Number (RA#).

Name Of OEEO Member Notified: _____ OEEO RA# _____

Indicate Your Recommended Action Below:

☐ **APPROVED** Date Effective: _____

Describe How Employee Was Accommodated: _____

☐ **PENDING**

REASON: _____

☐ **DISAPPROVED**

REASON: _____

Supervisor's Signature: _____ Date: _____

After Completing This Section, Supervisors Must:

- Provide A Copy Of This Form To The Applicant;
- Immediately Forward A Copy To The Deputy Commissioner, Equal Employment Opportunity;
- Ensure That Confidentiality Is Maintained And Take Further Action As Is Required By The Reasonable Accommodation Policy And Procedure.

RETALIATION IS PROHIBITED

COMPLAINT EVALUATION AND OPTION REPORT

Complainant: _____

Date: _____

Investigator: _____

Case # _____ s _____

After reviewing the details of this complaint and discussing the options of handling the matter with the investigator, it is the desire of the complainant that:

- ☐ The Office of Equal Employment Opportunity (OEEO) conduct an investigation and make recommendations to the Police Commissioner. The complainant and respondent(s) will be notified, in writing, of the outcome of the investigation, and any corrective/disciplinary action taken. (OEEO Case)
- ☐ The complainant will participate in the mediation process which will be conducted by an outside neutral mediator with the goal that the parties will voluntarily agree to a mutual resolution of the matter. If at any point the complainant is not satisfied with the course of the mediation process, (s)he may request that the matter be addressed by OEEO. In addition, if the parties cannot agree upon a resolution to their dispute, the matter will be referred back to OEEO for appropriate action. (Mediation Case)
- ☐ The complainant will take further actions on his/her own behalf with no further action by the OEEO.
- ☐ The complainant chooses to file a formal complaint with an outside agency. (The complainant may file a formal complaint with an outside agency and at the same time choose one of the investigation options above).
- ☐ It appears that the complaint does not involve an EEO issue because

_____ The complainant was referred to
_____ for assistance.

It is understood that the Deputy Commissioner, Equal Employment Opportunity shall review this complaint and make a final determination as to how this matter will be handled. Where no employment discrimination is articulated but where other inappropriate behavior has occurred a confidential referral will be made to the complainant's commanding officer who will address the behavior complained of with the respondent.

Complainant's Signature

Investigator's Signature

(Rev. 2/09)

Supervisor of Investigations

OEEC CASE # _____ s _____

OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY

NOTICE OF COMPLAINANT'S RIGHTS

TO: ALL MEMBERS OF THE DEPARTMENT

SUBJECT: EMPLOYMENT DISCRIMINATION COMPLAINTS

1. In an effort to help us assist you in filing and resolving your complaint of employment discrimination you should be aware of the following:

Complainants may be accompanied, represented, and advised by anyone of their choice, and their interview will be mechanically recorded by this office.

Complainants who wish to discuss a problem concerning employment discrimination without revealing their identity may do so by telephoning the Office of Equal Employment Opportunity. It should be understood that the cooperation of witnesses may be needed if any disciplinary action is to be taken to rectify a problem of discrimination.

Arrangements can be made for meetings to take place at outside premises, before or after office hours.

Any information obtained from a complainant will not be disclosed with other personnel except as necessary to investigate and resolve a complaint.

Your cooperation is necessary and you are urged to correspond with the assigned OEEC investigator regularly regarding your complaint.

Information or allegations of corruption or serious misconduct will be reported to the Internal Affairs Bureau.

You may withdraw your allegation at any time. However, if evidence suggests that the alleged discriminatory policy or practice affects other members of the Department, the matter may be investigated without your further cooperation.

If charges and specifications have been filed against you, which you feel are discriminatory in nature, state such information on your complaint.

2. If you have any questions, please feel free to discuss them with the OEEC investigator assigned to your matter.
3. I have read the above and the provisions of Patrol Guide procedure 205-36, and fully understand the Department's policies.

Complainant's Signature

Date

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

(Rev. 2/09)



DEPUTY COMMISSIONER - EQUAL EMPLOYMENT OPPORTUNITY
POLICE DEPARTMENT
ONE POLICE PLAZA - ROOM 1204
NEW YORK, N.Y. 10038

Date

RE: OEEO Case # _____ s _____

Complainant **AGAINST** Respondent

The Office of Equal Employment Opportunity requests that complaint withdrawals be made in writing by the complainant.

Since you have expressed a desire to withdraw the above complaint, please read, sign and date the statement below and return this form to our office. A withdrawal of this complaint does not preclude our office from continuing the investigation if deemed necessary in the best interests of the New York City Police Department.

Neldra M. Zeigler
Deputy Commissioner
Equal Employment Opportunity

STATEMENT

I voluntarily withdraw the complaint made by me against the above member(s) of the New York City Police Department. No one has influenced me in making this withdrawal and I am doing so freely.

COMPLAINANT'S SIGNATURE

DATE

SIGNATURE OF WITNESS

PRINTED NAME OF WITNESS

RETALIATION IS PROHIBITED

(Rev. 2/09)

NOTICE OF DISCRIMINATION COMPLAINT

v.

Complainant

Respondent

On _____, a complaint of employment discrimination was filed against you. You may respond in writing to the allegations contained in the complaint after receiving this notice and a copy of the complaint. In order to ensure confidentiality, you are hereby directed not to discuss this matter with anyone other than a representative of your line organization and/or legal counsel. You are also urged to supply this office with the names of any witnesses that you feel should be interviewed. Any response you wish to make must be received by the Deputy Commissioner, Equal Employment Opportunity, before the investigation is completed.

Responsibility for investigating this complaint rests with the Deputy Commissioner, Equal Employment Opportunity. At the conclusion of the investigation, a confidential written report will be submitted to the Police Commissioner. A recommendation will be made to the Police Commissioner that appropriate corrective action be taken if based upon the investigation it is determined that an act of employment discrimination occurred. This may include disciplinary action. All parties will be notified, in writing, of the outcome of the investigation.

During the investigation, _____ will need to interview you regarding the complaint under the provisions of Patrol Guide procedure 206-13.

Pursuant to federal, state and local civil rights laws, and the provisions of Patrol Guide procedure 205-36, no employee may retaliate against, or harass any person for filing a complaint of discrimination or cooperating in the investigation of a complaint of discrimination. Such retaliation or harassment is unlawful and will be cause for disciplinary action.

Neldra M. Zeigler
Deputy Commissioner
Equal Employment Opportunity

Respondent's Signature: _____ Date: _____

RETALIATION IS PROHIBITED



**THE POLICE COMMISSIONER
CITY OF NEW YORK**

**EQUAL EMPLOYMENT OPPORTUNITY
POLICY STATEMENT**

The New York City Police Department is an Equal Opportunity Employer. As Police Commissioner, I reaffirm the Police Department's strong commitment to maintaining fair employment practices for all members and applicants.

Federal, State and/or local laws prohibit employment discrimination based on:

- Age
- Alienage or Citizenship Status
- Color
- Creed
- Disability
- Gender
- Religion
- Military Status
- Marital Status
- National Origin
- Prior Record of Arrest or Conviction
(under some circumstances)
- Race
- Sexual Orientation
- Status as a Victim/Witness of Domestic Violence
- Partnership Status

In addition to those who fall within one of the above protected groups, those who are "perceived" to be within one of the categories or who have a "known relationship or association" with someone who is, or is perceived to be, within one of the categories, are also protected. All forms of discrimination are prohibited both in the actual workplace and in any location that can be reasonably regarded as an extension of the workplace, such as an off-site Department sanctioned social function.

These laws prohibit discrimination, which affects:

- Hiring
- Assignments
- Working Conditions
- Salary and Benefits
- Evaluations
- Promotions
- Training
- Transfers
- Discipline
- Termination
- Any other terms and conditions
of employment

The law requires that reasonable accommodation be made for qualified employees and applicants with disabilities, for religious requirements, and status as a victim/witness of domestic violence, stalking, and/or sex offense(s). The law also requires that reasonable accommodation be made for their religious observances.

All employees are directed to comply with both the letter and the spirit of these laws. All personnel should work to maintain an atmosphere of appreciation of the diversity reflected in our staff, and to promote understanding among our co-workers. Managers and supervisors are directed to make all employment decisions in accordance with the Police Department's EEO Policy, and to ensure compliance with the policy in their areas of responsibility.

If any employee or applicant feels that a manager, supervisor or another employee has discriminated against him or her, this individual should contact the EEO Officer, a supervisor, or an EEO Liaison. The Equal Employment Opportunity Officer is Deputy Commissioner Neldra M. Zeigler, who may be contacted at (646) 610-5330; the office is located at One Police Plaza, Room 1204. A list of the Equal Employment Opportunity Liaisons and where they may be contacted is provided in the EEO Policy Book. The EEO Officer has the authority to recommend to the Police Commissioner that disciplinary action be taken against any employee who has committed an unlawful discriminatory act.

All complaints will be handled in confidence. No employee may retaliate against or harass any person for filing a complaint or cooperating in the investigation of a complaint. Such retaliation or harassment is unlawful and will be cause for disciplinary action.

Raymond W. Kelly
Police Commissioner

SEXUAL HARASSMENT POLICY STATEMENT

Sexual harassment in the workplace is a form of employment discrimination prohibited by law. All New York City Police Department employees should familiarize themselves with the guidelines in this policy statement so that they will understand what type of conduct is prohibited, and know the remedies available to anyone who has experienced sexual harassment.

Guidelines issued by the United States Equal Employment Opportunity Commission state that unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

These guidelines are not meant to interfere with voluntary social relationships between individuals in the workplace, but they do prohibit those actions and behaviors that are unwanted and unwelcome and/or which create an intimidating and hostile work environment.

There is a broad range of conduct by supervisors and co-workers which can, in certain circumstances, be considered sexual harassment, and this includes, but is not limited to, sexually suggestive remarks, sexually suggestive pictures, sexually suggestive gesturing, verbal harassment or abuse of a sexual nature, subtle or direct propositions for sexual favors, and unnecessary touching, patting, or pinching. These activities are prohibited both in the actual workplace and in any location that can be reasonably regarded as an extension of the workplace, such as an off-site Department sanctioned social function.

Any manager, supervisor, or EEO Liaison who knows of a sexually intimidating or hostile work environment or who becomes aware that the terms and conditions of an individual's employment are based upon submission to sexual conduct must consult with OEEU immediately.

Any employee who has a complaint regarding sexual harassment is urged to contact the EEO Officer, a supervisor, or an EEO Liaison. The Equal Employment Opportunity Officer is Deputy Commissioner Nelda M. Zeigler, who may be contacted at (646) 610-5330; the office is located at One Police Plaza, Room 1204. A list of the Equal Employment Opportunity Liaisons and where they may be contacted is provided in the EEO Policy Book available from the Office of Equal Employment Opportunity. Complaints of sexual harassment will be handled in accordance with the Department's Equal Employment Opportunity Complaint Procedure.

All complaints will be handled in confidence. No employee may retaliate against or harass any person for filing a complaint or cooperating in the investigation of a complaint. Such retaliation or harassment is unlawful and will be cause for disciplinary action.



Raymond W. Kelly
Raymond W. Kelly
Police Commissioner



THE POLICE COMMISSIONER
CITY OF NEW YORK

INVITATION MEMORANDUM FOR
QUALIFIED INDIVIDUALS
WITH DISABILITIES

From: Police Commissioner

To: All Police Department Employees and Applicants

1. The New York City Police Department is a government contractor subject to section 503 of the Rehabilitation Act of 1973, which requires government contractors to take affirmative action to employ and advance in employment, qualified individuals with disabilities. If you are a qualified individual with a disability and would like to be considered under the affirmative action program, please tell us. Submission of this information is voluntary and refusal to provide it will not subject you to discharge or disciplinary treatment. Information obtained concerning individuals shall be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of disabled individuals and regarding necessary accommodations, (ii) first aid and safety personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment, and (iii) government officials investigating compliance with the Act shall be informed.

2. If you are a qualified individual with a disability, we would like to include you under the affirmative action program. It would assist us if you tell us about (1) any special methods, skills and procedures which qualify you for positions that you might not otherwise be able to do because of your disability, so that you will be considered for any positions of that kind, and (2) the accommodations which we could make which would enable you to perform the job properly and safely including special equipment, changes in the physical layout of the work space, elimination of certain duties relating to the job, or other accommodations.

Raymond W. Kelly
POLICE COMMISSIONER

EEO Duties and Responsibilities for Commanding Officers and Supervisors

ALL Supervisors:

- Must notify OEEEO when they become aware of any allegation or complaint of discrimination, sexual harassment or act of retaliation regarding an EEO matter.
- Will be subject to disciplinary action for failing to report an employment discrimination complaint or problem to the OEEEO.
- Will be subject to disciplinary action for failing to take actions as directed by the OEEEO.
- Shall permit employees to meet with OEEEO when necessary.
- Shall ensure that no form of offensive, discriminatory material be displayed in any Department facility or vehicle.
- Shall ensure that no premium cable channels are available in Department facilities.

In addition to **ALL OF THE ABOVE**, Commanding Officers:

- Must meet annually with supervisors to discuss EEO policy, including sexual harassment and retaliation.
- Must continually reinforce to supervisors their responsibility for creating a professional work environment.
- Must advise employees that vulgar language and degrading offensive comments are prohibited.
- Must instruct all members of the command that retaliation for participation in EEO matters is prohibited.
- Must direct supervisors to report inappropriate conduct to OEEEO.
- Shall urge all non-supervisory personnel to report inappropriate conduct to OEEEO.

EEO Duties and Responsibilities for Commanding Officers and Supervisors

Retaliation

- Retaliation is a negative employment action for opposing discrimination.
- Retaliation is a form of employment discrimination.
- All participants in EEO investigations are protected from retaliation.
- No supervisor shall discipline, transfer, change tour or assignment of an EEO complainant or witness without conferring with OEEO.
- Allegations of retaliation MUST be referred to OEEO for investigation.
- Claims of retaliation should be treated as serious as all other claims of employment discrimination.

**CALL THE OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY
(646) 610-5330 FOR FURTHER GUIDANCE.**

C. OUTSIDE AGENCY CONTACT INFORMATION

NEW YORK CITY COMMISSION ON HUMAN RIGHTS

40 Rector Street, 10th floor
New York, New York 10006
(212) 306-7450

NEW YORK STATE DIVISION OF HUMAN RIGHTS

Headquarters:

One Fordham Plaza, 4th Floor
Bronx, New York 10458
(718) 741-8400

20 Exchange Place, 2nd Floor
New York, New York 10005
(212) 480-2522

163 West 125th Street, 4th Floor
New York, New York 10027
(212) 961-8650

55 Hanson Place, Room 304
Brooklyn, New York 11217
(718) 722-2856

UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

New York District Office
33 Whitehall Street
New York, New York 10004
(212) 336-3620 or 1-800-669-4000
(212) 336-3622 (TTY) or 1-800-669-6820

NOTE: *There are statutory deadlines for filing complaints with each of these agencies. Employees are advised to contact the agency to ascertain the deadline applicable to their complaint.*

GLOSSARY OF KEY TERMS

Employment discrimination - Disparate treatment of employees regarding any terms, conditions or privileges of employment including, hiring, assignments, working conditions, salary and benefits, evaluations, promotions, training, transfers, discipline and termination, based on a person's age, race, religion, creed, color, national origin, gender, disability, marital status, sexual orientation, alienage or citizenship status, military status, or status as a victim/witness of domestic violence, stalking, and/or sex offense(s).

Gender discrimination- The conferral or denial of a work benefit or penalty based upon one's sex unless justified by a business necessity or a bona fide occupational qualification. The discrimination may take the form of lower/higher salaries, less/more frequent promotions, making decisions based upon "stereotyped characterizations of the sexes." To discriminate against an employee because she is pregnant is a form of gender discrimination.

Sexual harassment - A form of gender discrimination involving unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

Such conduct has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Disability- A physical, medical, mental or psychological impairment which substantially limits one or more of the major life activities of the individual; a history or record of such impairment; or being regarded as having such an impairment.

Retaliation - An adverse job action taken against an employee as a direct result of : opposition to an unlawful employment practice; filing a complaint of employment discrimination; or participating in any EEO investigation or lawsuit. Retaliation includes suspensions, loss of normal work assignments, adverse comments or other harassment.

EEO Liaison- Volunteer uniformed or civilian members of the service assigned to commands throughout the Department who are trained to provide assistance to complainants, witnesses and others regarding any Equal Employment Opportunity matter.

A qualified applicant or employee- An individual who satisfies the requisite skill, experience, education and other job-related requirements of a position and who, with reasonable accommodation (if needed), or without accommodation (if none is needed), can perform the essential functions of that position.

Essential functions- (of a job) Duties that are fundamental to a position or job.

Undue hardship- Action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature of operation of an employer's business.

Major life activity- An activity that an average person can perform with little or no difficulty. Examples include walking, seeing, hearing, breathing, and learning.

Impairment- Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss or any mental disorder. Examples include epilepsy, emotional or mental illness, or a person with artificial limbs.

Hostile work environment- Unwelcome conduct that has the purpose or effect of unreasonably interfering with the employee's job performance, or creating an intimidating, hostile, or offensive working environment. A hostile work environment may occur as a form of sexual harassment or be based upon an employee's age, race, religion, creed, color, national origin, gender, disability, marital status, sexual orientation, or alienage/citizenship status, military status, or the employee's status as a victim/witness of domestic violence, stalking and/or sex offense(s).

Reasonable accommodation - Any change or adjustment in the work environment or scheduling that enables an employee to perform the essential functions of a job.

Job-restructuring- A method of providing a reasonable accommodation for a qualified individual with a disability or religious requirement. Job restructuring includes but is not limited to reallocating non-essential assignments among other employees, or eliminating non-essential tasks.

